

**529 to 543 Marlee Avenue - Zoning Amendment
Application - Preliminary Report**

Date:	October 26, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	17 235284 NNY 15 OZ

SUMMARY

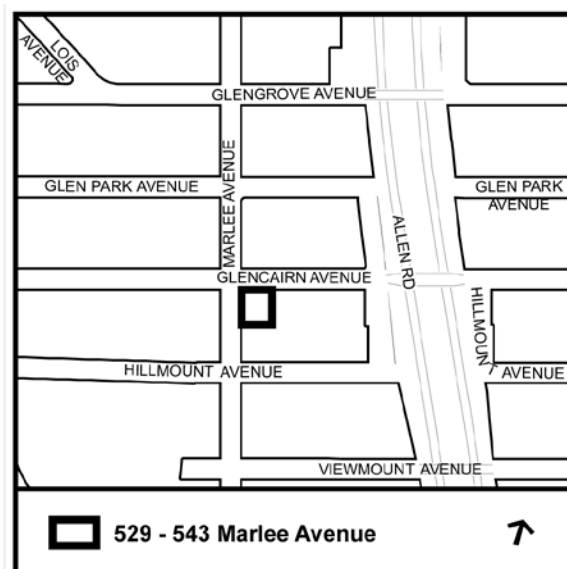
This application proposes amend the City’s Zoning By-law 569-2013 and Zoning By-law 7625 for the former City of North York to permit development of the lands at 529 to 543 Marlee Avenue for a 9-storey mixed-use building, 28.5 metres in height (excluding mechanical penthouse), containing 84 residential units (7,032.6 square metres of residential gross floor area) and 361.7 square metres of commercial gross floor area on the ground floor. The proposed density is 5.23 times the lot area. The proposal would incorporate a 3 level below grade garage and have a total of 79 parking spaces, which includes 69 resident spaces and 10 visitor spaces. A total of 92 bicycle parking spaces are proposed.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

A public meeting will be scheduled once the applicant provides any additional required information in a timely manner, and all outstanding issues are addressed.

RECOMMENDATIONS

The City Planning Division recommends that:



1. Staff be directed to schedule a community consultation meeting for the lands at 529 to 543 Marlee Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Two pre-application consultation meetings were held on November 1, 2016 and on March 30, 2017 with the applicant to discuss complete application submission requirements. Issues discussed included:

- Opportunities to acquire additional lands adjacent to the site to the east within the *Mixed Use Areas* land use designation;
- Mid-rise and Tall Building guidelines and how they would apply to the proposal;
- Appropriate building scale and density of development;
- Angular planes and impact on neighbouring residential lands;
- Reduction in proposed floorplates;
- Locations for outdoor amenity space;
- Improved public realm condition, provision of adequate sidewalk widths and soft landscaping;
- Vehicular access, vehicular and bicycle parking, and loading;
- Required right-of-way conveyance and corner rounding; and
- Provision of family sized units and types of commercial uses at-grade.

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop the southeast corner of Marlee Avenue and Glencairn Avenue for a 9-storey (28.5 metre high, excluding mechanical penthouse), 84 unit residential building with 79 vehicular parking spaces in a 3-level below grade parking garage. A total of 92 bicycle parking spaces are proposed to be provided. As proposed, the development would consist of a total of 7,394.3 square metres of gross floor area, and represents a lot coverage of 47.4% and a total density of 5.23 times the lot area. The proposed development would incorporate 361.7 square metres of commercial space on the ground floor, and 7,032.6 square metres of residential use. This portion of Marlee Avenue has a planned 27 metre right-of-way. It does not have an Avenues Overlay as per Map 2, Urban Structure, in the City of Toronto Official Plan. A 3.5 metre wide right-of-way widening along Marlee Avenue is proposed.

The residential building entrance would be at the northeast corner of the building along Glencairn Avenue. Retail entrances would be located along Marlee Avenue. Vehicular access for both residential and commercial uses would be via a 7.8 metre wide driveway from

Glencairn Avenue. This route would provide access to a loading space at the rear of the building. The loading space is proposed to be located underneath the second floor of the building.

Site and proposal statistics are found in Attachment 5: Application Data Sheet and below.

Site Statistics

Residential Gross Floor Area	7,032.63 m ²
Commercial Gross Floor Area	361.67 m ²
Total Gross Floor Area	7,394.3 m²
Land Area	1,412.7 m ²
Floor Space Index	5.23
Lot Coverage Ratio	47.4
Height – ground floor	4.5 m
Total	28.5 m (ex. mechanical penthouse)
Typical upper floor floorplate- Floors 3 to 6	994 m ²
Floor 7	954 m ²
Floor 8	841 m ²
Floor 9	617 m ²
Residential Units - (condominium tenure)	
1 Bedroom	52 (62%)
2 Bedroom	30 (36%)
3 Bedroom	2 (2%)
Total	84 units
Indoor Amenity Space: P1 floor	31.6 m ²
Ground floor	27.3 m ²
2 nd floor	157.6 m ²
Total	216.5 m²
Outdoor Amenity Space: 2 nd floor	
Total:	33.3 m²
Vehicular Parking: residential	69
visitor: residential/commercial	10
Total	79
Bicycle Parking: residential	81
residential visitor	9
commercial	1
commercial visitor	1
Total	92

Building Setbacks and Stepbacks

Building Setbacks	West: front along Marlee Avenue 0.5 m at ground floor and zero at the second floor East: 5.8 m at ground floor and 3.8 m at second floor South: 0.05 m North: along Glencairn Avenue 0.1 m
Building Stepbacks	West: 1.9 m at 7 th floor 2.9 m at 8 th floor 2.1 at 9 th floor East: 2.5 m at 9 th floor South: .1.4 m at 9 th floor North: 1.5 m at 9 th floor

Site and Surrounding Area

The subject lands are located at the southeast corner of Marlee Avenue and Glencairn Avenue and are approximately 190 metres west of the Glencairn TTC subway station. The site is occupied by a one-storey commercial plaza with parking in the front along Marlee Avenue. There is a driveway both from Marlee Avenue and Glencairn Avenue. The total site area is 1,412.7 square metres and is generally rectangular in configuration. The subject lands are flat and have a frontage 39.6 metres along Marlee Avenue and a depth of 35.6 metres along Glencairn Avenue.

Surrounding the property are:

- North: Glencairn Avenue and beyond are two, 3-storey mixed-use buildings and 3-storey townhouses;
- South: a 3-storey mixed use building fronting onto Marlee Avenue and 2-storey commercial plaza at the rear of the site;
- West: Marlee Avenue and beyond are a 2-storey commercial building and further west single detached dwellings; at the northwest corner of Marlee Avenue and Glencairn Avenue is a 3-storey mixed- use building; and
- East: two single detached dwellings in a *Mixed Use Areas* land use designation with frontage on Glencairn Avenue and beyond are single-detached dwellings in a *Neighbourhoods* designation

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff will review the proposed development application so it is consistent with the Provincial Policy Statement (2014) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan

The City of Toronto Official Plan designates the subject lands as *Mixed Use Areas* as shown on the Land Use Plan, Map 13 in the Official Plan. The two properties adjacent and to the east

at 811 and 813 Glencairn Avenue are also designated as *Mixed Use Areas*, and they are adjacent to *Neighbourhoods*. The Official Plan Policy 4.6.1 states that *Mixed Use Areas* are made up of a broad range of commercial, residential, and institutional uses in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses and it outlines in Policy 4.5.2 the following development criteria:

Development in these areas will:

- Create a balance of high quality commercial and residential uses that reduce automobile dependency and meet the needs of the local community;
- Provide for new jobs and homes;
- Locate buildings so that they create a transition between areas of different development intensity and scale, with appropriate setbacks, heights and shadow that respect adjacent lower scale neighbourhoods;
- Locate buildings to frame the street edge and help create comfortable pedestrian conditions;
- Take advantage of nearby transit services; and
- Provide indoor and outdoor recreation space for building residents.

Policy 2 of the *Mixed Use Areas* section of Chapter 4 identifies a number of criteria with regards to transition between developments within *Mixed Use Areas* and adjacent *Neighbourhoods*. The policies require that new development will locate and mass new buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and a stepping down of heights. Policy 4.5.2(d) also requires that shadowing from new development be limited on adjacent *Neighbourhoods* especially during the spring and fall equinoxes.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. Marlee Avenue is identified as a major street on Map 3 of the Official Plan with a planned right-of-way width of twenty-seven metres.

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing area. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the building and the use of setback and stepbacks of building mass.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height. The proposal is in excess of 10,000 square metres and proposes an increase of the permitted height.

The Toronto Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council is available at
<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework. The Minister's approval and modification can be found at
<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA%20Notice%20of%20Decision.OPA%20320.July%204%202016.pdf>

Zoning

Under the former City of North York Zoning By-law 7625, the lands are zoned as General Commercial Zone (C1). This zone permits all uses permitted in both the One-Family Detached Dwelling Fifth Density Zone (R5) and in the Multiple-Family Dwellings Fifth Density Zone (RM5) and allows for a variety of residential and commercial uses, including residential apartment buildings. A maximum height of 11.5 metres is permitted and a density of 1.0 times the area of the lot.

The City of Toronto Zoning By-law 569-2013 regulates the lands as Commercial Residential CR1.0(c1.0; r1.0)SS3. A range of commercial, residential and institutional uses are permitted in this zone, as are apartment buildings. A maximum height of 3-storeys and 10.5 metres are permitted and a density of 1.0 times the area of the lot.

Site Plan Control

A site plan application was received on September 19, 2017 for the proposed 9-storey mixed use building (File #17 235289 NNY 15 SA) and will be reviewed concurrently with the rezoning application.

Mid-Rise Guidelines

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications. The main objective of the Avenues and Mid-Rise Buildings Study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. Mid-Rise Building Guidelines identify a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings, and identifies areas where the performance standards should be applied.

Mid-Rise Building Performance Standards Addendum

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines. Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>

Mid-Rise Building Performance Standards Addendum may be found here:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

City-Wide Tall Building Design Guidelines

As the proposed building is technically above the 1:1 ratio of the 27 metre right of way of Marlee Avenue, Tall Building Design Guidelines are applicable.

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Reasons for the Application

Amendments to Zoning By-law 7625 are required to increase the permitted building height from 11.5 metres to 28.5 metres (exclusive of mechanical penthouse) and to increase the permitted density from 1.0 times the area of the lot to 5.23 times the lot area. As well as, to implement performance standards to allow the proposed development.

Amendments to Zoning By-law 569-2013 are required to increase the permitted building height from 10.5 metres and 3-storeys to 28.5 metres (exclusive of mechanical penthouse) and 9-storeys. In addition, a density of 1.0 times the area of the lot is permitted for residential use

and 4.98 times the area of the lot is proposed. (The proposed commercial density is below the maximum permission).

Amendments are also required to implement appropriate performance standards to implement the proposed development.

Additional areas of non-compliance with the zoning may be identified through the review of this application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Cover letter and Planning Rationale;
- Draft Zoning By-laws;
- Site, Survey, Architectural and Landscape plans;
- Massing Study;
- Photometric and Lighting plans;
- Public Consultation Plan;
- Functional Servicing and Stormwater Management Report;
- Phases One and Two Environmental Site Assessment Reports;
- Green Roof Statistics;
- Environmental Vibration Analysis;
- Environmental Noise Feasibility Study;
- Energy Efficiency Report;
- Community Services and Facilities Study
- Accessibility Design Guidelines;
- Toronto Green Standards Checklist;
- Arborist Report;
- Sun/Shadow study;
- Pedestrian Wind Assessment;
- Traffic Impact Study; and
- Hydrogeologic Review Report.

A Notification of Complete Application was issued on October 6, 2017.

Issues to be Resolved

The following issues have been identified:

- Conformance to Official Plan polices for *Mixed Use Areas*;
- Conformity to the Mid-rise Urban Design Guidelines including the following built form issues: proposed building height, massing, setbacks, stepbacks, angular planes, and appropriate transition in scale;
- Consolidation of abutting *Mixed Use Areas* lots to the east on Glencairn Avenue to provide a comprehensively designed project;
- Lot coverage and proposed density;

- Site organization including the consolidation of servicing to extend the driveway south and to provide public access;
- Overlook and privacy issues;
- Orientation of balconies over loading and underground ramp area;
- Loading and servicing corridor for retail commercial space;
- Design of residential entrance and Glencairn Avenue elevation;
- Inclusion of additional family sized units;
- Vehicular access, traffic impacts and amount of proposed parking;
- Underground vehicular parking must all be located within the property boundary;
- Location, design, and access to proposed loading area and appropriate type of loading space;
- Treatment of the ground floor, elevations, streetscape, grading, and landscaping;
- Opportunity to provide generous continuous pedestrian weather protection along Marlee Avenue and Glencairn Avenue;
- Adequacy of indoor and outdoor on-site amenity space, including location and size; and
- Requirement for a road widening along Marlee Avenue and a corner rounding.

The Toronto Green Standards Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

Diane Silver, Planner

Tel. No. (416) 395-7150

Fax No. (416) 395-7155

E-mail: Diane.Silver@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2a: North Elevation

Attachment 2b: South Elevation

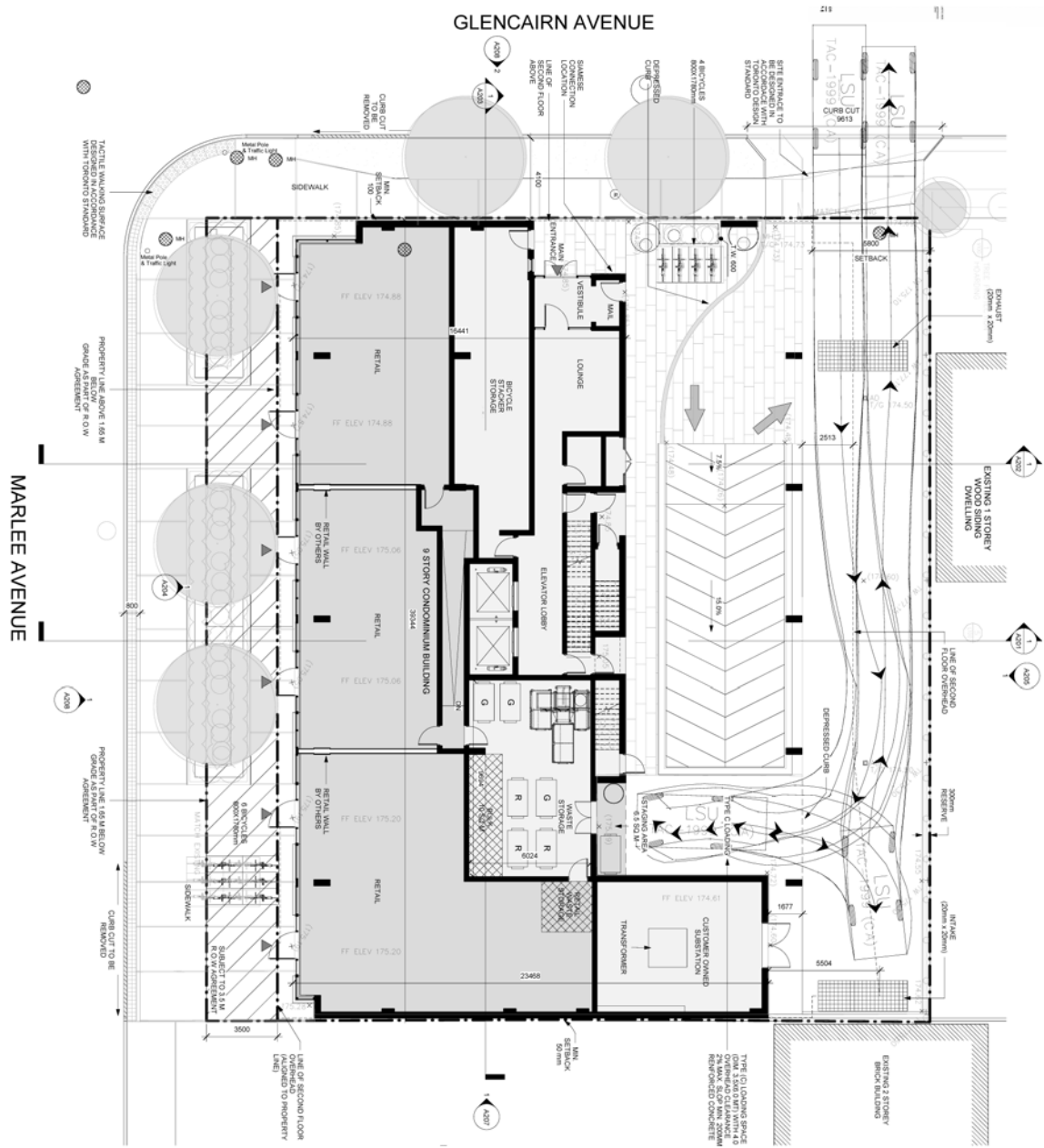
Attachment 2c: East Elevation

Attachment 2d: West Elevation

Attachment 3a: Zoning By-law 569-2013

Attachment 3b: Zoning By-law 7625
Attachment 4: Official Plan
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

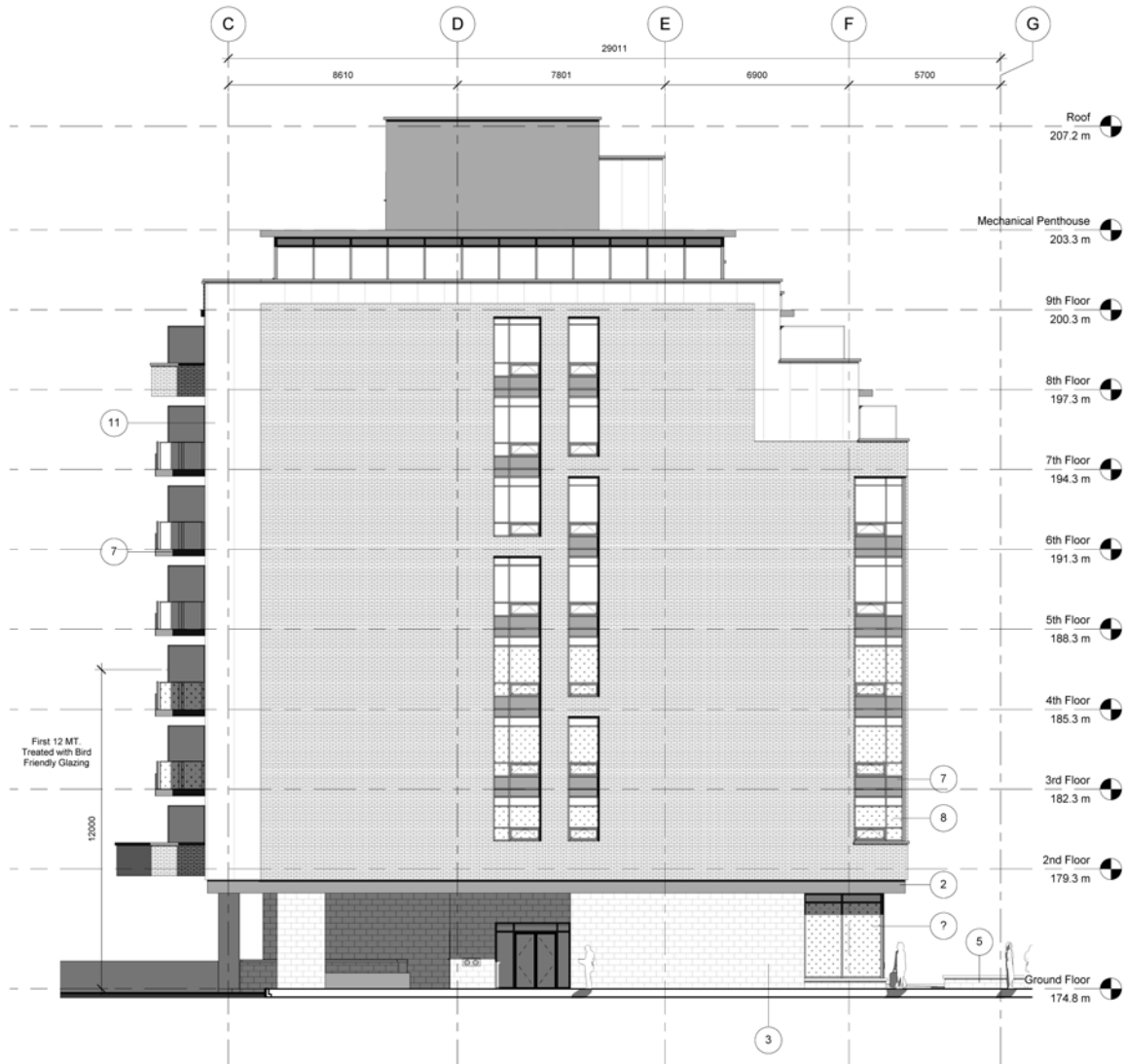
Applicant's Submitted Drawing

Not to Scale
09/26/2017

529 - 543 Marlee Avenue

File # 17 235284 NNY 15 0Z

Attachment 2a: North Elevation

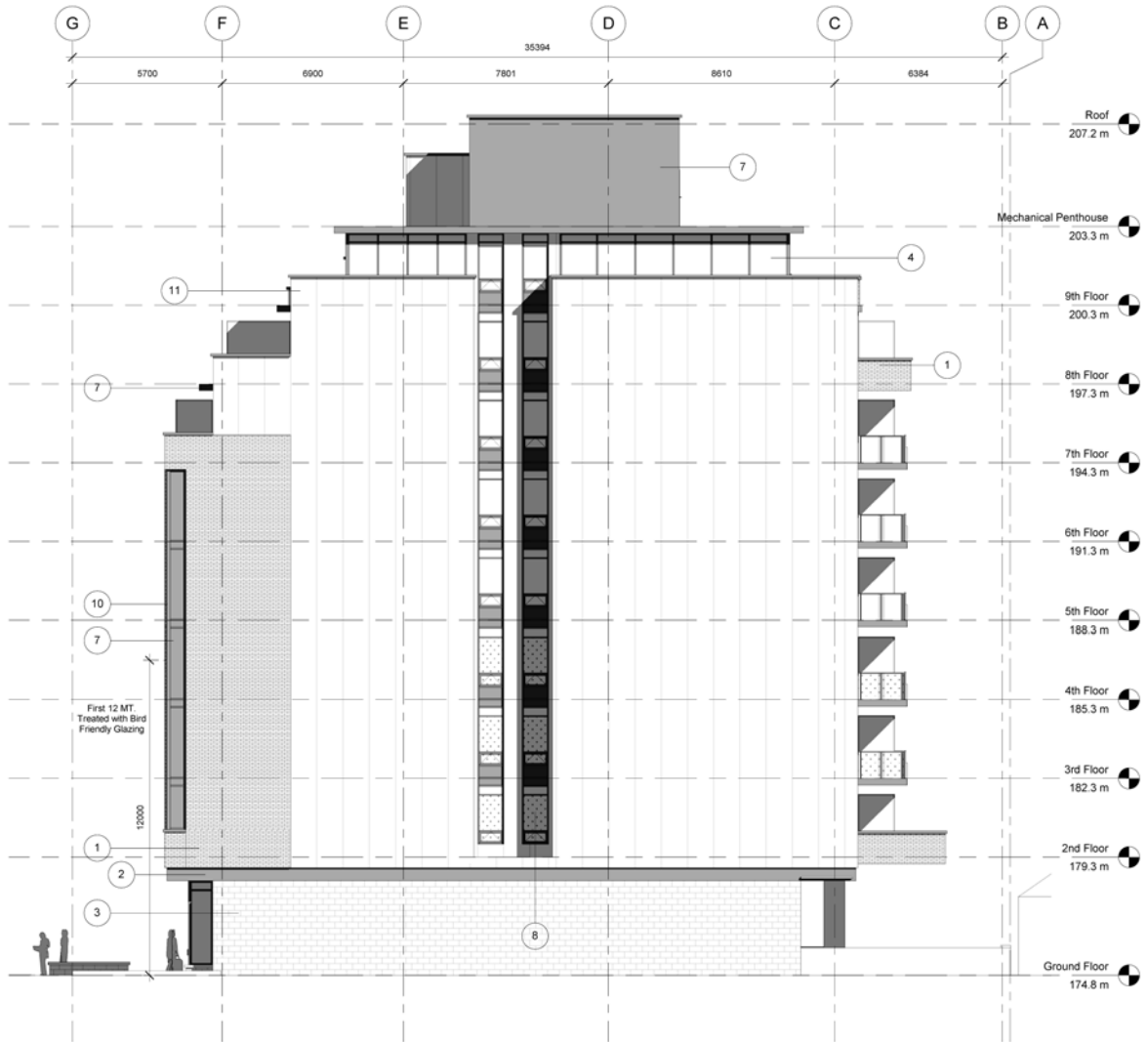


North Elevation
 Applicant's Submitted Drawing
 Not to Scale
 09/26/2017

529 - 543 Marlee Avenue

File # 17 235284 NNY 15 0Z

Attachment 2b: South Elevation



South Elevation

529 - 543 Marlee Avenue

Applicant's Submitted Drawing

Not to Scale
09/26/2017

File # 17 235284 NNY 15 0Z

Attachment 2c: East Elevation



East Elevation

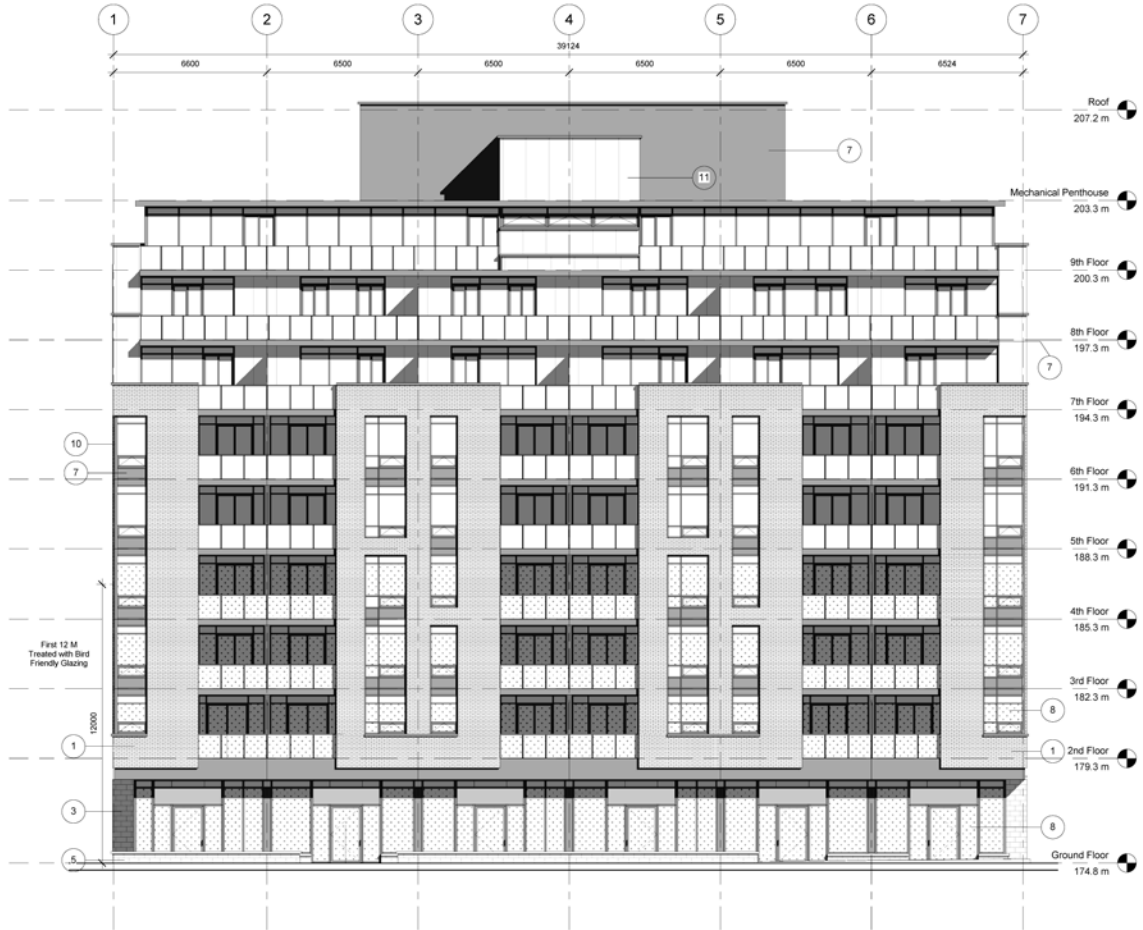
529 - 543 Marlee Avenue

Applicant's Submitted Drawing

Not to Scale
09/26/2017

File # 17 235284 NNY 15 0Z

Attachment 2d: West Elevation



West Elevation

529 - 543 Marlee Avenue

Applicant's Submitted Drawing

Not to Scale
09/26/2017

File # 17 235284 NNY 15 0Z

Attachment 3a: Zoning By-law 569-2013



Zoning By-Law No. 569-2013

529 - 543 Marlee Avenue

File # 17 235284 NNY 15 0Z



Location of Application

RD Residential Detached
 CR Commercial Residential
 OR Open Space Recreation
 UT Utility and Transportation



See Former City of North York By-Law No. 7625

R5 One-Family Detached Dwelling Fifth Density Zone
 R7 One-Family Detached Dwelling Seventh Density Zone
 C1 General Commercial Zone



Not to Scale
 Extracted: 09/26/2017

Attachment 3b: Zoning By-law 7625



TORONTO
North York Zoning By-Law 7625

529 - 543 Marlee Avenue

File # 17 235284 NNY 15 0Z

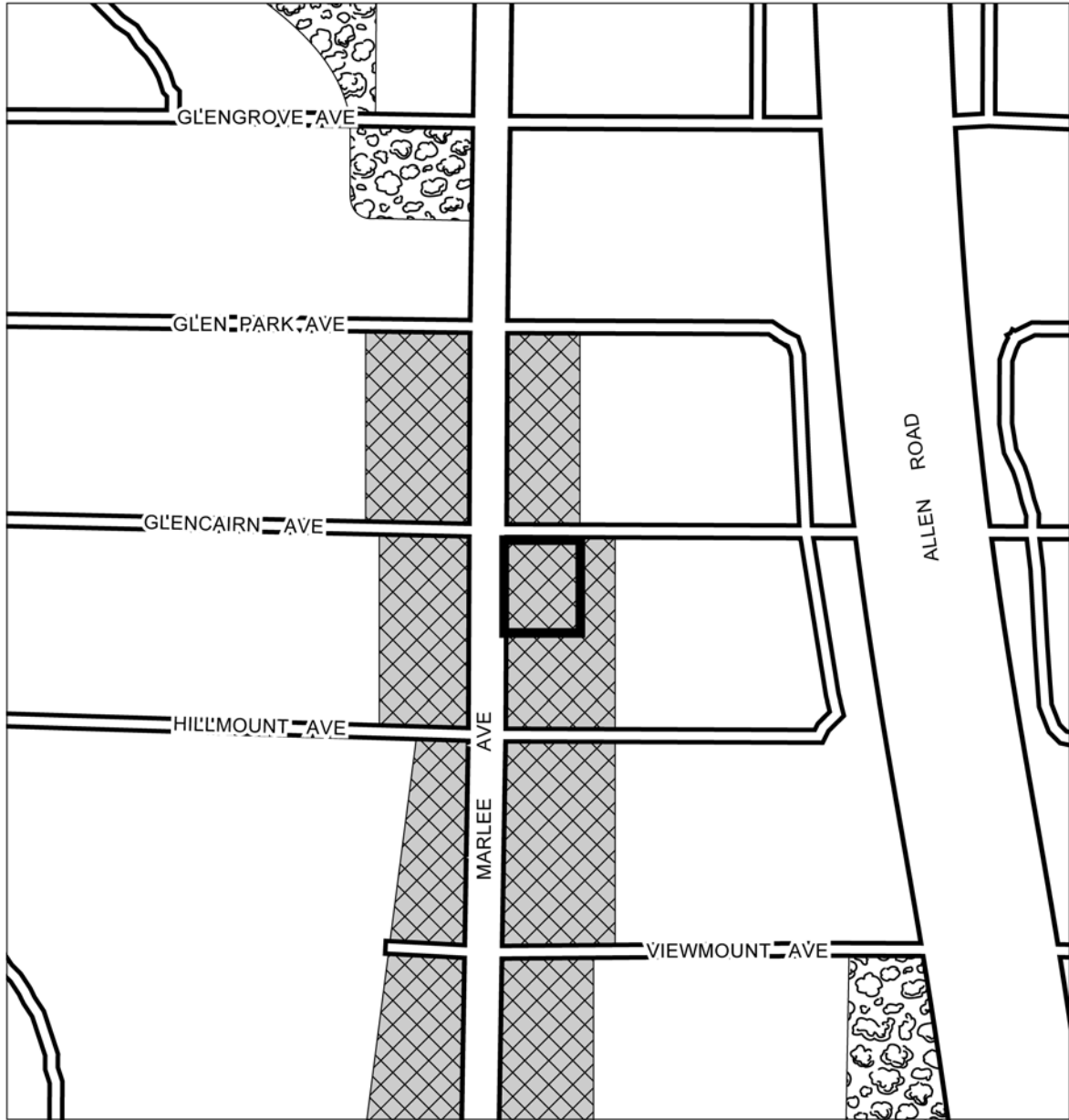
- R5 One-Family Detached Dwelling Fifth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
 Zoning By-law 7625
 Extracted 9/26/2017

Attachment 4: Official Plan



Toronto
 Extract from Official Plan

529 - 543 Marlee Avenue

File # 17 235284 NNY 15 0Z

- | | |
|---|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Mixed Use Areas | |


 Not to Scale
 09/26/2017

Attachment 5: APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	17 235284 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	September 19, 2017

Municipal Address: 529 to 543 MARLEE AVENUE
 Location Description: PLAN 1911 LOT 76 LOT 77 **GRID N1504
 Project Description: Rezoning application to permit a 9-storey mixed use building 28.5m in height ex. mech. penthouse, containing 84 residential units (7,032.83 square metres of gross floor area) and 361.67 square metres of commercial gross floor area. To be reviewed as a combined application with Site Plan Application File No.: 17 235289 NNY 15 SA.

Applicant:	Agent:	Architect:	Owner:
BATTISTA HOLDINGS 500-197 Spadina Avenue Toronto ON M5T 2C8	Same as applicant	KFA architects + planners 500-197 Spadina Avenue Toronto ON M5T 2C8	809726 ONTARIO LIMITED 4585 Highway 7, Unit 11, Vaughan ON L4L 9T8

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 1.0(c1.0; r1.0) SS3	Historical Status:	N
Height Limit (m):	10.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,412.7	Height:	Storeys:	9	
Frontage (m):	39.62		Metres:	28.4	
Depth (m):	35.67				
Total Ground Floor Area (sq. m):	669.5				Total
Total Residential GFA (sq. m):	7,032.63		Parking Spaces:	79	
Total Non-Residential GFA (sq. m):	361.67		Loading Docks	1	
Total GFA (sq. m):	7,394.3				
Lot Coverage Ratio (%):	47.4				
Floor Space Index:	5.23				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo	%		Above Grade	Below Grade
Tenure Type:	0		Residential GFA (sq. m):	7032.63	0
Rooms:	0		Retail GFA (sq. m):	361.67	0
Bachelor:	0		Office GFA (sq. m):	0	0
1 Bedroom:	52	(62%)	Industrial GFA (sq. m):	0	0
2 Bedroom:	30	(36%)	Institutional/Other GFA (sq. m):	0	0
3 + Bedroom:	2	(2%)			
Total Units:	84	(100%)			

CONTACT: **PLANNER NAME:** **Diane Silver, Planner**
TELEPHONE: **(416) 395-7150, Email: Diane.Silver@toronto.ca**

